

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Brian G. Williams,

Plaintiff,

v.

Case No. 14-14693

Mortgage Electronic Registration
Systems, Inc., NationStar Mortgage,
LLC, and REDC, LLC d/b/a Auction.com,

Honorable Sean F. Cox
Magistrate Judge Elizabeth A. Stafford

Defendants.

ORDER
ACCEPTING AND ADOPTING REPORT & RECOMMENDATION

This is a foreclosure case. On December 11, 2014, Plaintiff, represented by counsel, filed this action in state court against Defendants Mortgage Electronic Registration Ssystems, Inc. (“MERS”), NationStar Mortgage, LLC (“NationStar”) and REDC, LLC,¹ alleging wrongful foreclosure, breach of contract, and fraud. (Notice of Removal, Doc. #1). Defendants removed the case to this Court on the basis of diversity jurisdiction. (Doc. #1).

On December 18, 2014, Defendants MERS and NationStar filed a Motion to Dismiss pursuant to Civil Rule 12(b)(6). (Doc. #4). Plaintiff filed a Response to Defendants’ Motion, (Doc. #15). Defendants’ Motion was referred to Magistrate Judge Stafford for a Report and Recommendation (“R&R”) pursuant to 28 U.S.C. § 636(b)(1)(B). (Doc. #6).

On February 27, 2015, Plaintiff filed a Motion to Amend/Correct the Complaint. (Doc. #16). Defendants filed a Response to Plaintiff’s Motion. (Doc. #20). Plaintiff’s Motion was referred to

¹The Court dismissed REDC, LLC from this action on April 15, 2015. (Doc. #22).

Magistrate Judge Stafford for a hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A).² (Doc. #17).

On July 30, 2015, Magistrate Judge Stafford issued an R&R wherein she recommends that this Court GRANT Defendants' Motion to Dismiss and DENY Plaintiff's Motion to Amend the Complaint as futile. (R&R, Doc. #23).

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. Fed. R. Civ. P. 72(b)(2). "The district judge must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3).

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed objections to the R&R. Furthermore, the Court agrees with the Magistrate Judge's recommendation. Therefore, the Court hereby ADOPTS the July 30, 2015 R&R. IT IS ORDERED that Defendants' Motion to Dismiss (Doc. #4) is GRANTED, and Plaintiff's Motion to Amend the Complaint (Doc. #16) is DENIED.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: August 25, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on

² Magistrate Judge Stafford treated Plaintiff's Motion to Amend as dispositive because its denial would be equivalent to dismissing this case with prejudice. (R&R, Doc. #23 at page 2 fn 2).

August 25, 2015, by electronic and/or ordinary mail.

S/Jennifer McCoy
Case Manager